

COMMONWEALTH OF VIRGINIA  
STATE AIR POLLUTION CONTROL BOARD  
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

DISCRETIONARY AUTHORITY TO IMPLEMENT  
SECTION 111(d)/129 PLAN REGULATIONS

**ARTICLE 44 of 9 VAC 5 CHAPTER 40.**  
**Hospital/Medical/Infectious Waste Incinerators (Rule 4-44).**

Discretionary authority related to certain decisions required to implement the plan by EPA and the Department is as follows. Any authority not set forth below is assumed to rest with the Department.

1. The Department shall obtain prior approval from EPA Region III before implementing any of the following:

- a. Approval of alternative methods.
- b. Approval of equivalent methods.
- c. Approval of major changes to reference methods.
- d. Approval of major changes to monitoring.
- e. Approval of alternatives to the emission limitations in 9 VAC 5-40-6020 through 6110.
- f. Approval of waivers to recordkeeping and reporting.
- g. Approval of site-specific operating parameters when using controls other than those listed in 9 VAC 5-40-6180 J.

2. The Department shall exercise, on a case-by-case basis, and with prior notification to EPA Region III, the following:

- a. Approval of minor changes to reference methods.
- b. Approval of intermediate changes to reference methods.
- c. Approval of shorter sampling times and volumes when necessitated by process variables and other factors.
- d. Approval of waiver of emission testing.

- e. Approval of minor changes to monitoring.
- f. Approval of intermediate changes to monitoring.
- g. Approval of adjustments to time periods for submitting reports.

#### Implementation Issues

The Department shall submit all notifications of exemption claims under 9 VAC 5-40-6000 C to EPA (Regional HMIWI Contact, U.S. EPA Region III, 3AP22, 1650 Arch Street, Philadelphia, PA 19103).

### **ARTICLE 45 of 9 VAC 5 CHAPTER 40. Commercial/Industrial Solid Waste Incinerators (Rule 4-45).**

Discretionary authority related to certain decisions required to implement the plan by EPA and the Department is as follows. Any authority not set forth below is assumed to rest with the Department.

1. The Department shall obtain prior approval from EPA Region III before implementing any of the following:
  - a. Approval of alternative methods.
  - b. Approval of equivalent methods.
  - c. Approval of major changes to reference methods.
  - d. Approval of major changes to monitoring.
  - e. Approval of alternatives to the emission limitations in 9 VAC 5-40-6270 through 6360 and operating limits established under 9 VAC 5-40-6430.
  - f. Approval of waivers to recordkeeping and reporting.
  - g. The requirements in 9 VAC 5-40-6250 C 14 b for chemical recovery units.
  - h. The status report requirements in 9 VAC 5-40-6400 J 2 b for when qualified operators are not accessible for 2 weeks or more.
  - i. The requirements in 9 VAC 5-40-6430 D for sources using something other than wet scrubbers to comply with the emissions limitations.

2. The Department shall exercise, on a case-by-case basis, and with prior notification to EPA Region III, the following:

- a. Approval of minor changes to reference methods.
- b. Approval of intermediate changes to reference methods.
- c. Approval of shorter sampling times and volumes when necessitated by process variables and other factors.
- d. Approval of waiver of emission testing.
- e. Approval of minor changes to monitoring.
- f. Approval of intermediate changes to monitoring.
- g. Approval of adjustments to time periods for submitting reports.

**ARTICLE 46 of 9 VAC 5 CHAPTER 40.  
Small Municipal Waste Combustors (Rule 4-46).**

Discretionary authority related to certain decisions required to implement the plan by EPA and the Department is as follows. Any authority not set forth below is assumed to rest with the Department.

1. The Department shall obtain prior approval from EPA Region III before implementing any of the following:

- a. Approval of alternative methods.
- b. Approval of equivalent methods.
- c. Approval of major changes to reference methods.
- d. Approval of major changes to monitoring.
- e. Approval of alternatives to the emission limitations in 9 VAC 5-40-6570 through 6660 and 6670 B, and operating limits established under 9 VAC 5-40-6720.
- f. Approval of waivers to recordkeeping and reporting.
- g. Approval of training waivers under 9 VAC 5-40-6700 A 3.

2. The Department shall exercise, on a case-by-case basis, and with prior notification to EPA Region III, the following:

- a. Approval of minor changes to reference methods.
- b. Approval of intermediate changes to reference methods.
- c. Approval of shorter sampling times and volumes when necessitated by process variables and other factors.
- d. Approval of waiver of emission testing.
- e. Approval of minor changes to monitoring.
- f. Approval of intermediate changes to monitoring.
- g. Approval of adjustments to time periods for submitting reports.

**ARTICLE 54 of 9 VAC 5 CHAPTER 40.  
Large Municipal Waste Combustors (Rule 4-54).**

Discretionary authority related to certain decisions required to implement the plan by EPA and the Department are as follows. Any authority not set forth below is assumed to rest with the Department.

1. The Department shall obtain prior approval from EPA Region III before implementing any of the following:

- a. Approval of alternative methods.
- b. Approval of equivalent methods.
- c. Approval of major changes to reference methods.
- d. Approval of major changes to monitoring.
- e. Approval of alternatives to the emission limitations in 9 VAC 5-40-7970 through 8070 and operating limits established under 9 VAC 5-40-8120.
- f. Approval of waivers to recordkeeping and reporting.
- g. Approval of training waivers under 9 VAC 5-40-8110 B 2 b.

2. The Department shall exercise, on a case-by-case basis, and with prior notification to EPA Region III, the following:

- a. Approval of minor changes to reference methods.
- b. Approval of intermediate changes to reference methods.
- c. Approval of shorter sampling times and volumes when necessitated by process variables and other factors.
- d. Approval of waiver of emission testing.
- e. Approval of minor changes to monitoring.
- f. Approval of intermediate changes to monitoring.
- g. Approval of adjustments to time periods for submitting reports.

#### Implementation Issues

1. The Department shall submit all emission test protocols relating to the relationship between carbon dioxide and oxygen concentrations to EPA (Regional Municipal Waste Combustor Contact, U.S. EPA Region III, 3AP22, 1650 Arch Street, Philadelphia, PA 19103).
2. The Department shall submit all notifications of exemption claims under 9 VAC 5-40-7950 D to EPA (Regional Municipal Waste Combustor Contact, U.S. EPA Region III, 3AP22, 650 Arch Street, Philadelphia, PA 19103).
3. The Department shall use the procedures in 40 CFR 60.19(c) in administering the provisions of 9 VAC 5-40-8160 I.